

COUNTY NOTICES OF PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
AIR QUALITY DIVISION

1. Heading and number of the proposed rule, ordinance, or other regulations

Rule 280 (Fees)
Rule 315 (Spray Coating Operations)
Rule 360 (New Source Performance Standards)
Rule 370 (Federal Hazardous Air Pollutant Program)

2. Summary of the proposed rules, ordinance, or other regulations

Maricopa County is proposing to revise Rule 280 (Fees), Rule 315 (Spray Coating Operations), Rule 360 (New Source Performance Standards), and Rule 370 (Federal Hazardous Air Pollutant Program) and to submit such rules as a revision to the (Arizona) State Implementation Plan (SIP).

The proposed rule revisions are as follows:

Proposed Revisions to Rule 280 (Fees)

Background

Maricopa County fails to meet the national ambient air quality standards (NAAQS) for carbon monoxide, ozone and particulates. The area was reclassified from "moderate" to "serious" nonattainment for particulates in June 1996 and for ozone effective February 13, 1998. Consequently, Maricopa County must require stricter regulations for certain industries/activities/operations. The proposed revisions to Rule 280 (Fees) will provide additional resources to enhance enforcement of the Stage I Vapor Recovery Program, Rule 310 Fugitive Dust Program, and the Asbestos Renovation and Demolition Program. The submission of the Rule 280 revisions, pertaining to Stage I and Rule 310, to the Environmental Protection Agency (EPA) following the Board's approval will provide documentation of additional resources in the SIP revision submittal for each control measure. Following EPA approval, these enhanced enforcement control measures will be subject to federal enforcement under Section 113 of the Clean Air Act.

Summary

The fees described in the work load analysis and subsequently identified in Rule 280 cover the cost of:

- (1) Reviewing and acting upon any application. (Experience has shown that the larger the project, the more time and resources required by Maricopa County. Consequently, the fees were established accordingly.)
- (2) Implementing and enforcing the permit excluding any court costs.
- (3) Monitoring emissions and ambient air.
- (4) Preparing generally applicable regulations or guidances.
- (5) Reviewing and/or preparing modeling, analyses, and demonstrations.
- (6) Preparing inventories and tracking emissions.

Maricopa County concluded that these fees would be sufficient to cover not only the salaries of the local agency personnel responsible for carrying out these activities but also other direct and indirect costs such as training, equipment, data management systems, and facilities.

Maricopa County is proposing to increase the following fees:

- Tank truck certification fee will increase from \$65 to \$115.
- Non-Title V stage I vapor recovery source permit fees will increase from \$225 to \$335.
- Earth moving permit fee increases from \$8.00 per acre to \$36.00 per acre.

Asbestos removal notification and plan review fee will be a flat fee of \$425 for renovation notifications and \$425 for demolition notifications.

Summary of Proposed Revisions to Rule 315 (Spray Coating Operations)

Maricopa County is proposing to add spray booth filter capture efficiency standards, clarify when spray enclosures are required and list specific exemptions in order to make the rule more understandable.

Summary of Proposed Revisions to Rule 360 (New Source Performance Standards) and Rule 370 (Federal Hazardous Air Pollutant Program)

This rule update is an incorporation by reference of all of the rule adoptions by the United States Environmental Protection Agency for Rule 360 (New Source Performance Standards) and Rule 370 (Federal Hazardous Air Pollutant Program) between the date of the last update in May 1996 until July 1, 1997. These changes reflect federal updates and additions to 40 CFR Parts

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60, 61, and 63. With the adoption of these Rules, Maricopa County will update their State Implementation Plan under the Clean Air Act to make greater progress toward improving quality of the air in Maricopa County.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §§ 49-112(A) or A.R.S. 49-112(B)

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. §49-112(A) in that Maricopa County Environmental Services Department is proposing to adopt rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due to revisions to Rule 280, Rule 315, Rule 360, and Rule 370 will address emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area.

B. Maricopa County is in compliance with A.R.S. §49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. §49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

4. Name and address of the person to whom persons may address questions or comments

Name: Johanna Kuspert, Air Quality Planner (Rules 360 & 370)
Or
Jo Crumbaker, Planning & Analysis Section Manager (Rules 280 & 315)
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: Johanna Kuspert (602) 506-6710 or Jo Crumbaker (602) 506-6705
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department
Air Quality Division
Address: 1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
AIR QUALITY DIVISION

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject to the public hearing

Rule 280 (Fees)
Rule 315 (Spray Coating Operations)
Rule 360 (New Source Performance Standards)
Rule 370 (Federal Hazardous Air Pollutant Program)

2. Date, time, and location of public hearing scheduled

Date: Wednesday, August 19, 1998

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Time: 9 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 W. Jefferson St.
Phoenix, Arizona

Nature Of Public Hearing: To discuss and approve the above listed rules.

3. **County personnel to whom questions and comments may be addressed**

Name: Johanna Kuspert, Air Quality Planner (Rules 360 & 370)
Or
Jo Crumbaker, Planning & Analysis Section Manager (Rules 280 & 315)
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: Johanna Kuspert (602) 506-6710 or Jo Crumbaker (602) 506-6705
Fax: (602) 506-6179

4. **Any other pertinent information concerning the above described rules, ordinance, or other regulations**

Please refer to the Notice Of Proposed Rules which appears in this issue of the Arizona Administrative Register.

**NOTICE OF PUBLIC WORKSHOP ON PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

**MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
AIR QUALITY DIVISION**

1. **Name of the agency:**

Maricopa County Environmental Services Department
Air Quality Division

2. **The Title and its heading:**

Maricopa County Air Pollution Control Regulations

3. **Section numbers:**

Rule 100 (General Provisions And Definitions)
New Rule 201 (Emissions Caps)
Rule 220 (Non-Title V Permit Provisions)
Rule 240 (Permits For New Major Sources And Major Modifications To Existing Major Sources)

Proposed action:
Discuss the revision of above existing rules and addition of new rule.

4. **The Register citation to the original notice and any supplemental notices:**

Not applicable.

5. **The date, time, and location of public workshops:**

Date: Thursday, September 3, 1998
Time: Rule 100 will be discussed at 9 a.m.
New Rule 201 will be discussed at 10 a.m.
Rule 220 will be discussed at 10:30 a.m.
Rule 240 will be discussed at 11 a.m.
Location: Maricopa County Environmental Services Department
5th Floor Conference Room
1001 N. Central Avenue
Phoenix, Arizona

6. **The name, address, and telephone number of county personnel to whom questions and comments on the rules may be addressed:**

Name: Johanna Kuspert, Air Quality Planner
Or
Jo Crumbaker, Planning & Analysis Section Manager
Address: Maricopa County Environmental Services Department
Air Quality Division

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E-mail: Johanna Kuspert - jkuspert@esenvmgt.maricopa.gov
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